

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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ALFONSO MASON,

Plaintiff,

vs.

REPUBLIC SERVICES, INC.; ALLIED  
WASTE; HANK VASQUEZ; AND DIANE  
LARA,

Defendants.

Case No.: 2:10-cv-01212-RLH-RJJ

**ORDER**

(Motion to Quash Service or in the  
Alternative to Dismiss—#13)

Before the Court is Defendants Republic Services, Inc. (“Republic”) and Henry “Hank” Vasquez’ **Motion to Quash Service or in the Alternative to Dismiss** (#13), filed November 23, 2010. The Court has also considered Plaintiff Alfonso Mason’s Opposition (#14), filed December 13, 2010, and Defendants’ Reply (#15), filed December 20, 2010.

**BACKGROUND**

This dispute arises from Mason’s allegation that Republic had a discriminatory motive for not rehiring him. All facts are as alleged by Mason unless otherwise stated. Mason worked for Republic, or a Republic subsidiary, as a sanitation truck driver between 1997 and 1999. Mason resigned in the summer of 1999 after he was arrested while on vacation. Mason then reapplied to work for Republic in the summer of 2008. Mason’s application was rejected, however, because of Republic’s “no rehire” policy. Mason argues that Republic has rehired other people belonging to a non-protected class despite the no rehire policy. He alleges that the true reason he was not rehired was because he is African American.

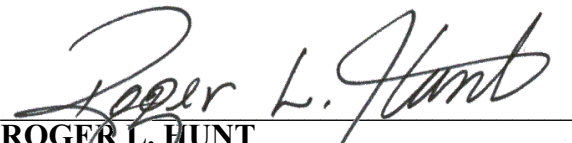


Rule 4(h) governs service of process on corporations such as Republic. Rule 4(h) provides that such service may be made in accord with state law or by serving “an officer, a managing or general agent, or any other agent authorized” to receive process. The Nevada Rules of Civil Procedure provide that resident corporations or foreign corporations registered to do business in Nevada may be served by serving the corporation’s registered agent. Nev. R. Civ. P. 4(d)(1). Mason did not follow these rules. Instead he merely had the Marshals deliver service at a Republic office where it was delivered to a human resources employee, Ms. Peper. (Dkt. #11, Form USM–285.) Peper is not an officer, managing or general agent, the registered agent, or otherwise authorized to receive service for the company. (Dkt. #13, Mot. Ex. A, Peper Decl. ¶ 2.) Nor has Mason shown that Peper is sufficiently high within the company ranks that she should be deemed equivalent to one of these positions. *See Direct Mail Specialists*, 840 F.2d at 688–689 (finding service on a receptionist sufficient where the company had few employees and the receptionist was the only person in the entire office when the process server arrived demonstrating that she had substantial corporate responsibility). In other words, service delivered on Peper was not effective against the corporation where Mason has not shown that she had special authority and there is no other reason to believe that she did. Because service was not properly effectuated against either of these parties, the Court grants the Motion and quashes service. However, because Mason may still remedy service the Court does not dismiss the Defendants.

### CONCLUSION

Accordingly, and for good cause appearing,  
IT IS HEREBY ORDERED that Defendants’ Motion to Quash (#13) is  
GRANTED.

Dated: January 25, 2011.

  
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ROGER L. HUNT  
Chief United States District Judge